

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[Ex Parte No. 241]

PART 1033—CAR SERVICE

Cars for Shippers' Exclusive Use [Rule 16]; Order

INVESTIGATION OF ADEQUACY OF RAILROAD FREIGHT CAR OWNERSHIP, CAR UTILIZATION, DISTRIBUTION, RULES AND PRACTICES; (MODIFICATION OF CAR SERVICE RULE 16)

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 28th day of December 1976.

It appearing, That in the report herein, 335 I.C.C. 264, decided August 21, 1969, as modified in 335 I.C.C. 874, Car Service Rules were prescribed for mandatory observance, including rule 16 concerning the assignment of cars;

It further appearing, That by petition filed on May 5, 1976, the Association of American Railroads seeks modification of the said Car Service Rule 16, whereby the present 10-day notice requirement before a car can be released from an assignment would be amended so as to require only 1 day's written notice; and that other modifications be made for purposes of clarification and efficiencies in assignment of cars; and that said petition was served upon all parties to this proceeding; and that no replies thereto have been received;

And it further appearing, That on the date hereof, the Commission entered its report on further consideration finding that the petitioner's proposed modification of paragraph (A) (3) of rule 16 is unacceptable and requires further modification by the Commission for clarification purposes and that modification of paragraphs (C) and (D) is also warranted; and that the proposed modifications as amended will be in the overall public interest; therefore,

It is ordered, That the said Car Service Rule 16, set forth in appendix G to the report, 335 I.C.C. 264, at pages 353-354, be, and it is hereby, modified, effective January 31, 1977, by substituting in lieu of rule 16, paragraphs (a) (3), (c), and (d) the following:

§ 133.16 Cars for shippers' exclusive use.

(a) * * *

(3) When cars are assigned in accordance with this Rule, they shall remain and be treated as assigned cars until the shipper, originating road haul carrier(s), pool operator or owning railroad serves notice on each of the remaining parties in writing at least one (1) day in advance that such assignment is modified or cancelled.

(c) The present and future assignment by a carrier of specific cars for the exclusive use of a shipper at a particular point shall be reported by such carrier to the Operating-Transportation Division

of the Association of American Railroads by car initial, number, car type code and specific assignment. Each carrier assigning such cars shall advise the Operating Transportation Division of the Association of American Railroads of any change in assignments not later than the last working day of the month in which change occurred, except when a change in assignment occurs on the last two days of the month, then notice of change shall be as soon as possible, but not more than 5 days after any change in assignment. The Operating-Transportation Division of the Association of American Railroads will maintain a current record of cars assigned, and distribute such information to car owners assigning cars to a specific shipper at each location, as well as to the roads originating traffic from such assignment, including originating switching line serving the shipper involved. The foregoing provisions of this paragraph shall not apply when all cars assigned to the exclusive use of a shipper at a particular point are system cars of a single road haul carrier serving the shipper at such point.

(d) Assigned cars are exempt from Car Service Rules 1 and 2.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

By the Commission.

ROBERT L. OSWALD,
Secretary.

[FR Doc. 77-1297 Filed 1-13-77; 8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER I—UNITED STATES FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

SUBCHAPTER B—TAKING, POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Determination That the Southern Sea Otter Is A Threatened Species

The Director, U.S. Fish and Wildlife Service (hereinafter the Director and the Service, respectively) hereby issues a Rulemaking pursuant to section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543; 87 Stat. 884; hereinafter the act) which determines that the Southern Sea Otter (*Enhydra lutris nereis*) is a threatened species.

BACKGROUND

On May 22, 1975, the Fund for Animals, Inc. requested the Service to list as endangered species, pursuant to the Act, 216 taxa of plants and animals which appear on Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora which were not already on the U.S. List of Endangered and Threatened Wildlife. One of these 216 taxa was the

Southern Sea Otter (*Enhydra lutris nereis*). Acting on this request, the Service published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44329) a Proposed Rulemaking that would propose all 216 taxa to be endangered species under the Act. In the FEDERAL REGISTER of June 14, 1976 (41 FR 24062-24067) the Service issued a Final Rulemaking determining 159 of the 216 taxa to be endangered species. One of the remaining taxa was determined to be neither endangered nor threatened, and reasons were given for delaying determinations on the other 56 taxa.

One of the species which was not acted upon in the June 14, 1976, Rulemaking was the Southern Sea Otter. It was stated at that time that a considerable amount of data had been received which was still being analyzed. Although most responses had favored listing the species as Endangered, the State of California opposed such a measure and submitted a large amount of supporting data. In contrast, several conservation groups submitted substantial evidence to support their contention that the Southern Sea Otter was Endangered and should be determined as such pursuant to the Act. In view of the quantity and complexity of the information received, the Service stated that a determination on the Southern Sea Otter would be delayed.

Another problem which arose in connection with the Southern Sea Otter concerned its proper taxonomic status. This Sea Otter was long treated as a subspecies, *Enhydra lutris nereis*, distinct from the Northern Sea Otter in Alaskan waters (*Enhydra lutris lutris*). Recently, some parties have argued that the Southern Sea Otter is not a separate subspecies, is only a population of *Enhydra lutris lutris*, and, since the Northern Sea Otter is relatively common, should not be considered as an endangered or threatened species. Other parties have presented evidence that the Southern Sea Otter is a distinct subspecies. This question actually is not relevant to the matter at hand, because sections 3 and 4 of the Act allows the listing of populations of species in portions of their range, as well as entire species and subspecies. Since the Southern Sea Otter does form a significant population, it can be treated independently under the Act, regardless of its taxonomic status. The Service decided, however, to utilize the subspecific designation *Enhydra lutris nereis* in this rulemaking, though this decision had no connection with the decision to list as threatened.

All pertinent data, comments, and recommendations now have been analyzed, and the Service is issuing this Final Rulemaking pertaining to the Southern Sea Otter.

SUMMARY OF COMMENTS AND RECOMMENDATIONS

Section 4(b) (1) (C) of the Act requires that a summary of all comments and recommendations received be published in the FEDERAL REGISTER prior to adding any species to the List of Endangered and Threatened Wildlife. In the September

26, 1975, Proposed Rulemaking (40 FR 44329) all interested persons were invited to submit written comments to the Service, which would be considered if received no later than October 28, 1975. This was a clerical error which was corrected on October 22, 1975 (40 FR 49347), when the comment period was extended to November 24, 1975.

As stated in the Final Rulemaking of June 14, 1976 (41 FR 24062), 291 responses were received during the comment period that dealt specifically with the Southern Sea Otter. Of these responses, 289 favored listing as Endangered. In addition, many hundreds of persons signed petitions supporting the Endangered classification. Only two parties opposed listing, one being the State of California, and the other being a university professor whose reasons largely paralleled those of the State.

The State of California's response, as provided by the Director of the Department of Fish and Game on November 21, 1975, consisted of a two-page letter and approximately 90 pages of excerpts from the two large volumes of data sent in support of the State's application for waiver of the moratorium of the Marine Mammal Protection Act. The letter specifically requested that the Southern Sea Otter not be declared Endangered or Threatened, because it met none of the five listing criteria in section 4(a) of the Act. The supporting data included some information on taxonomy and other subjects not directly relevant to the listing question. A history of the California Sea Otter population was provided, in which it was suggested that there may have been about 16,000 Sea Otters in California waters prior to 1914 when exploitation for the fur trade reduced the population to about 50 animals off Point Sur. With subsequent protection the population increased to an estimated 1,760 animals by 1975 when it occupied 161 linear miles of coastline from Sunset State Beach to Point Buchon. The population was considered to be at an optimum level, and continued expansion was thought probable. No major natural or man-caused threats to the overall population were recognized. Deaths because of shooting and collision with boats were said to occur, but not to be a significant problem. There was no evidence that pollution or oil spills had ever caused the death of a Sea Otter. The potential major effects of an oil spill were acknowledged, but it was held extremely unlikely that such a spill could wipe out the entire Sea Otter population.

The largest response favoring listing of the Southern Sea Otter as Endangered came from the Friends of the Sea Otter, a private organization in Big Sur, California. This response, dated November 20, 1975, included a 19-page letter and 16 supporting attachments. Again, some irrelevant information on taxonomy and other subjects was covered. Although it was recognized that the Southern Sea Otter population had increased since 1914, it was suggested that this population now had stabilized and that actual counts showed the presence of only about

1,000 Sea Otters in each year since 1969. Even if the higher estimates of the California Department of Fish and Game were accepted, the population still has to be considered small and vulnerable. Among the cited threats to the population was a possible loss of genetic diversity, caused by the former severe numerical reduction, which could adversely affect the adaptability of the existing animals. Chemical, bacteriological, and metal pollution was held to be increasing in the range of the Sea Otter. The possibility of a major oil spill that could destroy much of the population was considered a serious possibility. Direct killing by man was said to be occurring and to be a matter of growing concern as human population pressures increased.

Another response from the California Chapter of the Sierra Club gave many of the same arguments as the Friends of the Sea Otter, but also emphasized the issue of competition between man and the Sea Otter for food resources. Heavy sport and commercial pressures, in conjunction with rapid human population growth, were said to have depleted the shellfish resources upon which the Sea Otter depends, and to have contributed to the ill feeling that some persons have toward the Sea Otter.

Among the other responses supporting endangered status for the Southern Sea Otter were letters from nine professors or researchers, in biological science fields, at California universities or research stations, and the Director of the California Academy of Sciences. These letters expressed concern about such factors as potential oil spills, pollution, direct killing by man, and the loss of genetic diversity by the Southern Sea Otter population.

In a letter of June 1, 1976, the Marine Mammal Commission provided its recommendations on the matter to the Fish and Wildlife Service.

The Commission stated that while present population estimates were debatable, it was thought that the Sea Otter was increasing in range and numbers and would continue to do so, if permitted. The Sea Otter thus was not considered to be endangered, but several threats were held to be problems, the most serious being the potential impact of oil spills. It was suggested that a large number of animals could be jeopardized by a major oil spill. The Commission therefore recommended that the Southern Sea Otter be listed as threatened.

CONCLUSION

After a thorough review and consideration of all available information, the Director has determined that the Southern Sea Otter is not endangered, but is threatened as defined in Section 3 of the Act. Section 4(a) of the Act states that a species may be determined to be endangered or threatened because of any of five factors. These factors, and their applicability to the Southern Sea Otter are discussed below.

1. *The present or threatened destruction, modification, or curtailment of its*

habitat or range.—There seems no question that the range of the Southern Sea Otter is presently much reduced from what it was in historical time. The original range extended at least 1,500 miles from Morro Hermoso on the Pacific Coast of Baja California, to the Strait of Juan de Fuca, separating the Olympic Peninsula of Washington from Vancouver Island, British Columbia. The present range covers only about ten percent of this area. Recent information, supporting recognition of the Southern Sea Otter as a distinct subspecies, suggests that the subspecific line should have been drawn in the vicinity of Prince William Sound, Alaska, which would have given the subspecies a range of about 2,700 miles. Although small groups of Sea Otters derived from Alaska waters have been introduced at several points off the coast of southeastern Alaska, British Columbia, Washington, and Oregon, the original stock that once occupied the region from southeastern Alaska to Baja California now is represented only by the group off the central California coast. The remaining habitat and population is potentially jeopardized by oil spills, and possibly by pollution and competition with man. The fact that less than 2,000 (possibly as few as 1,000) otters occupy the present range, make the species particularly vulnerable to any sort of disruption.

Nonetheless, there also seems no doubt that the Southern Sea Otter has made a comeback from a formerly much more dangerous status. The population now seems to be relatively dense in the area that is occupied, and there is no known immediate problem that could result in extinction. An endangered classification, therefore, is not warranted at this time.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.*—The original decline in Sea Otter populations was caused largely by commercial exploitation. Through State, Federal, and International protection this factor is not now a problem. Illegal killing does occur, but probably is not a threat to the overall population.

3. *Disease or predation.*—These factors cannot be shown to constitute a serious threat at present.

4. *The inadequacy of existing regulatory mechanisms.*—Existing Federal and State laws probably are adequate to protect the Sea Otter from direct taking. Habitat protection, however, is not adequate and would be improved through application of Section 7 of the Act.

5. *Other natural or manmade factors affecting its continued existence.*—It has been suggested, though not proven, that the former severely reduced state of the Southern Sea Otter may have greatly restricted the genetic diversity of the population, leaving it less adaptable in confronting potential problems.

A major spill of oil from a tanker in the waters in the vicinity of the range of the Southern Sea Otter is probably the most serious potential threat to the species. There seems little question that oil would be harmful to these animals,

and, indeed, they are more susceptible to this problem than most species. Unlike other marine mammals they lack an insulating layer of blubber and depend entirely on their thick air-filled fur for protection from chill waters. Should the fur become contaminated with oil and matted down it would lose its insulating properties, resulting in overexposure and death.

There are major oil unloading facilities at Moss Landing, near the present northern edge of the Sea Otter's range, and at Estero Bay, near the southern edge of this range. Currently, these terminals are used by tankers of 50,000 DWT. Proposals are pending for an additional 120,000 DWT tanker mooring terminal at Moss Landing, and a 70,000 DWT mooring, with provisional extension to moor 125,000 DWT tankers carrying light loads under optimum ocean conditions, at Estero Bay. Increasing shipments of foreign oil, and the expected large-scale movement of oil from the southern terminal of the Alaska Pipeline, probably will result in a considerable increase of oil tanker traffic in and near the range of the Sea Otter.

There is some question regarding the likelihood of a major oil spill and the extent to which it could affect the overall Sea Otter population. Although it does not appear probable that the entire population could be wiped out by a single spill, a significant portion thereof could be eliminated, especially under certain weather and sea conditions. Even though there may be surviving groups, these could be so reduced in number, disrupted, and vulnerable to further problems that they might justifiably be termed Endangered. Therefore, while the chances of an oil spill cannot be predicted, the possibility of such a disaster and its consequences to the Sea Otter population, coupled with the prospects for increasing oil activity in the area, contributes substantially to the decision to list the population as threatened.

EFFECTS OF THE RULEMAKING

The effects of this determination and this rulemaking include, but are not necessarily limited to those discussed below.

No special regulations, as provided for by section 4(d) of the Act in the case of threatened species, are deemed necessary or advisable for the protection of the Southern Sea Otter. The general prohibitions and exceptions concerning the Threatened Species are published in Title 50, § 17.31, of the Code of Federal Regulations as follows:

SUBPART D—THREATENED WILDLIFE

§ 17.31 Prohibitions.

(a) Except as provided in Subpart A of this Part, or in a permit issued under this Subpart, all of the provisions in § 17.21 (a) through (c) (4) shall apply to threatened wildlife.

(b) In addition to any other provisions of this Part 17, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation

agency which is operating a conservation program pursuant to the terms of a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take any threatened wildlife to carry out scientific research or conservation programs.

(c) Whenever a special rule in §§ 17.40 to 17.48 applies to a threatened species, none of the provisions of paragraphs (a) and (b) of this section will apply. The special rule will contain all the applicable prohibitions and exceptions.

The above regulations refer to § 17.21 of Title 50 which is reprinted below:

SUBPART C—ENDANGERED WILDLIFE

§ 17.21 Prohibitions.

(a) Except as provided in Subpart A of this part, or under permits issued pursuant to § 17.22 or § 17.23, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed, any of the acts described in paragraphs (b) through (f) of this section in regard to any endangered wildlife.

(b) *Import or export.* It is unlawful to import or to export any endangered wildlife. Any shipment in transit through the United States is an importation and an exportation, whether or not it has entered the country for customs purposes.

(c) *Take.* (1) It is unlawful to take endangered wildlife within the United States, within the territorial sea of the United States, or upon the high seas. The high seas shall be all waters seaward of the territorial sea of the United States, except waters officially recognized by the United States as the territorial sea of another country, under international law.

(2) Notwithstanding paragraph (c) (1) of this section, any person may take endangered wildlife in defense of his own life or the lives of others.

(3) Notwithstanding paragraph (c) (1) of this section, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, or a State conservation agency, who is designated by his agency for such purposes may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to:

(i) Aid a sick, injured or orphaned specimen; or
(ii) Dispose of a dead specimen; or
(iii) Salvage a dead specimen which may be useful for scientific study; or

(iv) Remove specimens which constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in a remote area.

(4) Any taking pursuant to paragraphs (c) (2) and (3) of this section must be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 18183, Washington, D.C. 20036, within 5 days. The specimen may only be retained, disposed of, or salvaged in accordance with directions from the Service.

(5) Notwithstanding paragraph (c) (1) of this section, any qualified employee or agent of a State Conservation Agency which is a party to a Cooperative Agreement with the Service in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the

course of his official duties take Endangered Species, for conservation programs in accordance with the Cooperative Agreement, provided that such taking is not reasonably anticipated to result in: (i) The death or permanent disabling of the specimen; (ii) the removal of the specimen from the State where the taking occurred; (iii) the introduction of the specimen so taken or of any progeny derived from such a specimen, into an area beyond the historical range of the species; or (iv) the holding of the specimen in captivity for a period of more than 45 consecutive days.

(d) *Possession and other acts with unlawfully taken wildlife.* (1) It is unlawful to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any endangered wildlife which was taken in violation of paragraph (c) of this section.

Example. A person captures a whooping crane in Texas and gives it to a second person, who puts it in a closed van and drives thirty miles, to another location in Texas. The second person then gives the whooping crane to a third person, who is apprehended with the bird in his possession. All three have violated the law—the first by illegally taking the whooping crane; the second by transporting an illegally taken whooping crane; and the third by possessing an illegally taken whooping crane.

(2) Notwithstanding paragraph (d) (1) of this section, Federal and State law enforcement officers may possess, deliver, carry, transport or ship any endangered wildlife taken in violation of the Act as necessary in performing their official duties.

(e) *Interstate or foreign commerce.* It is unlawful to deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever, and in the course of a commercial activity, any endangered wildlife.

(f) *Sale or offer for sale.* (1) It is unlawful to sell or to offer for sale in interstate or foreign commerce any endangered wildlife.

(2) An advertisement for the sale of endangered wildlife which carries a warning to the effect that no sale may be consummated until a permit has been obtained from the U.S. Fish and Wildlife Service shall not be considered an offer for sale within the meaning of this subsection.

Section 17 of the Endangered Species Act provides that, except as otherwise provided in the Act, none of its provisions will take precedence over any more restrictive conflicting provision of the Marine Mammal Protection Act of 1972, 16 U.S.C. 1361 et seq.

The Marine Mammal Protection Act is more restrictive in circumstances where a "taking" requires a permit. Under the Endangered Species Act, all proposed takings of Threatened Species, except those by persons covered by 50 CFR 17.31(b), would have to satisfy the general permit requirements of 50 CFR 17.32, which lists several acceptable purposes. Permit takings under the Marine Mammal Protection Act are more restrictive because section 101(a)(3)(B) states that except for scientific research purposes, no permit may be issued during the moratorium (directed by section 101(a) of the Marine Mammal Protection Act) which would authorize the taking of a marine mammal listed under the Endangered Species Act. It must be noted, furthermore, that this restriction applies only when the taking must be done pursuant to a permit and only

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when the moratorium has not been waived.

In circumstances where a permit is not required for a taking, the Marine Mammal Protection Act is also more restrictive than the Endangered Species Act, and, therefore, the requirements under the Marine Mammal Protection Act would also prevail in that situation. Section 109(a)(4) of the Marine Mammal Protection Act provides that a State or local government official or employee may "in the course of his duties as an official or employee, (take) a marine mammal in a humane manner if such taking (A) is for the protection or welfare of such mammal or for the protection of the public health and welfare, and (B) includes steps designed to assure the return of such mammal to its natural habitat." Section 18.22 of 50 CFR makes express that no permit is required for such taking.

On the other hand 50 CFR 17.31(a) under the Endangered Species Act allows non-permit takings of listed Threatened species pursuant to the terms of § 17.21. Section 17.21(c)(3) provides that any employee or agent of the Fish and Wildlife Service, any other Federal land management agency, the National Marine Fisheries Service or of a State conservation agency, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take endangered wildlife without a permit if such action is necessary to: (i) Aid a sick, injured or orphaned specimen; or (ii) Dispose of a dead specimen; or (iii) Salvage a dead specimen which may be useful for scientific study.

50 CFR 17.31(b) provides:

(b) In addition to any other provisions of this Part 17, any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with section 6(c) of the Act, who is designated by his agency for such purposes, may, when acting in the course of his official duties, take any threatened wildlife to carry out scientific research or conservation programs.

EFFECT ON FEDERAL AGENCIES

The determination set forth in this Rulemaking makes the Southern Sea Otter eligible for the provisions of section 7 of the Act which reads as follows:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this Act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

Although no Critical Habitat yet has been determined for the Southern Sea Otter, the other provisions of section 7 are applicable. The Service now is collecting data relative to preparing a proposed determination of Critical Habitat for the Southern Sea Otter, and all persons with pertinent information are invited to send the same to the Director.

EFFECTIVE DATE

This Rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531-1543;

87 Stat. 884). The amendments will become effective on February 11, 1977.

Dated: January 3, 1977.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

Accordingly, Part 17, Subpart B, § 17.11 Title 50 of the Code of Federal Regulations, is amended as set forth below:

In § 17.11 add the following:

§ 17.11 Endangered and threatened wildlife.

| Species | | | Range | | Status | When listed | Special rules |
|--------------------|------------------------------|------------|--------------------|---|--------|-------------|---------------|
| Common name | Scientific name | Population | Known distribution | Portion of range where threatened or endangered | | | |
| Southern sea otter | <i>Enhydra lutris nereis</i> | NA | California | Entire | T | | NA |

[FR Doc.77-1268 Filed 1-13-77;8:45 am]

CHAPTER VI—FISHERY CONSERVATION AND MANAGEMENT, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 601—REGIONAL FISHERY MANAGEMENT COUNCILS

PART 602—GUIDELINES FOR DEVELOPMENT OF FISHERY MANAGEMENT PLANS

Extension of Period for Public Comment Upon Interim Regulations

Interim Final Regulations were published in the FEDERAL REGISTER September 15, 1976 (41 FR 39436) to provide the Regional Fishery Management Councils with uniform standards for Council operations and guidelines for developing management plans pursuant to Public Law 94-285. Comments from interested parties, Regional Councils and governmental agencies were requested by December 2, 1976. Two Regional Councils have requested additional time for review. Therefore, the period for public comment is extended to February 1, 1977. All submissions received by the Director, National Marine Fisheries Service, Washington, D.C., 20235, on or before that date will be considered prior to the publication of final regulations.

Issued in Washington, D.C. and dated January 10, 1977.

ROBERT W. SCHONING,
Director, National
Marine Fisheries Service.

[FR Doc.77-1264 Filed 1-13-77;8:45 am]

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Delegation of Authority

On October 15, 1976, a notice of proposed rulemaking was published in the FEDERAL REGISTER (41 FR 45577) for the purpose of amending or revoking current regulations on prohibited acts relating to the National Forest System, and

to provide for the delegation of authority to specified forest officers.

Interested persons were given until November 29, 1976, to submit comments. No comments were received on the proposed change in 7 CFR 2.60(b)(1). Accordingly, the proposed language is adopted without change. This change is related to changes in 36 CFR, Chapter II. Comments received on that title are discussed in the preamble to an amendment which is published concurrently.

Title 7 CFR 2.60(b)(1) is amended to read as follows:

§ 2.60 Chief, Forest Service.

(b) Reservations. The following authorities are reserved to the Assistant Secretary for Conservation, Research, and Education.

(1) The authority to issue regulations, except as provided in 36 CFR 261.70.

(80 Stat. 379, 5 U.S.C. 301.)

JOHN A. KNEBEL,
Secretary.

JANUARY 10, 1977.

[FR Doc.77-1302 Filed 1-13-77;8:45 am]

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

EGGS AND POULTRY

Miscellaneous Amendments

Under authority contained in the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.), and the Egg Products Inspection Act (84 Stat. 1620 et seq., 21 U.S.C. 1031-1056), the U.S. Department of Agriculture hereby amends the Regulations Governing the Voluntary Inspection and Grading of Egg Products (7 CFR Part 55); the Regulations Governing the Grading of Shell Eggs and U.S. Standards, Grades, and Weight Classes for Shell Eggs (7 CFR Part 56); the Regulations Governing the Inspection of Eggs and Egg Products (7 CFR Part 59); and the Regulations